

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

TIMOTHY FISHER, #41811037

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Plaintiff

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v

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Civil Action Case No. CCB-11-681

WARDEN

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Defendant

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MEMORANDUM

This court sentenced Fisher to 156 months imprisonment for possession of firearms and ammunition by a prohibited person in violation of 18 U.S.C. § 922(g) on May 17, 2006, in *United States v. Fisher*, Criminal Action No. CCB-05-96 (D. Md). On March 14, 2011, Timothy Fisher submitted correspondence alleging that he was assaulted and threatened by corrections staff at F.C.I. Beckley in West Virginia on February 8, 2011. Fisher requests transfer to a different correctional facility.

To the extent Fisher intends to file a prisoner civil rights action under 42 U.S.C. §1983, the incidents of excessive force set forth in his complaint occurred in West Virginia. Venue does not lie in the District of Maryland. *See* 28 U.S.C. § 1391(b). Accordingly, the court will dismiss this case without prejudice so that Fisher may raise his claims in a complaint filed in United States District Court for the Southern District of West Virginia.¹ The address for that district court's Beckley Division is P.O. Drawer 5009, Beckley, West Virginia 25801. The Clerk shall send Fisher a §1983 forms packet for informational purposes. A separate order follows.

March 31, 2011
Date

/s/
Catherine C. Blake
United States District Judge

¹ This court expresses no opinion as to the merits of the claims.